

Newport Beach Police Department

Use Of Force Report

- [Print](#) this incident.

Incident Entered By: Sergeant Joshua Comte - 1300
Assigned Investigator: [Incident pending assignment]

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
10/24/2017	10/24/2017	19:01
Record ID #	DR Number	Tracking Number
3529	17-08796	UOF2017-116
Date/Time Entered		
11/8/2017 15:17		

Incident Summary

Patrol officers responded to [REDACTED] reference a 273.5 (a) PC. The suspect was inside the residence and refused to exit. The NBPD SWAT team was activated and deployed to the location. After approx. 6 hours and repeated commands to exit the residence, the suspect still refused. A warrant was obtained and the SWAT team began breaching exterior windows. After a rear window was breached, the suspect came from an upstairs bedroom and exited the front door. The suspect exited the front door and gate that leads to the drive way where the SWAT team was positioned. The suspect was extremely aggitated and confrontational with the SWAT team and was carrying an unknown silver object in his hand. The suspect ignored verbal commands to surrender and continued to advance on the SWAT team. Officers utilized the 40mm less than lethal rounds, a PSD K9, and a taser in order to effect an arrest.

Sgt. Thulin spoke with the suspect at the hospital regarding his injuries. I was on scene, observed the use of force, as well as reviewed all related reports and MVS video. Based on my findings, I believe that the use of force was within department policy.

Incident Location

[REDACTED] Newport Beach, CA 92660 - Location of Occurrence: Orange County

Use of Force Specific Information

Reason for Use of Force	Service Being Rendered	
Effect an Arrest	Call for Service	
Weather Condition	Lighting Condition	Distance to Citizen
Clear	Nighttime	7 feet to 10 feet
Citizen Injured	Citizen Taken to Hospital	Citizen Arrested
Yes	Yes	Yes
More than 1 Citizen Involved		
No		
Citizen's Build	Citizen's Height	
Medium	5'10" to 6'0"	
Employee Assessment of Citizen Condition During Incident		
Alcohol		
Employee(s) Injured	Employee(s) Taken to Hospital	
No	No	

Reporting/Involved Citizen Information

Race: White Ethnicity: Gender: Male

Role

- Arrestee

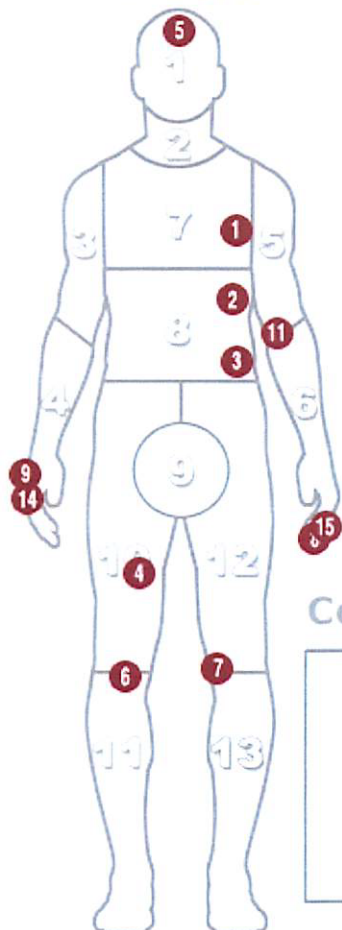
Types of Resistance Citizen Used Against Employee(s)

- Disobeyed Lawful Order
- Assumed Fighting Stance

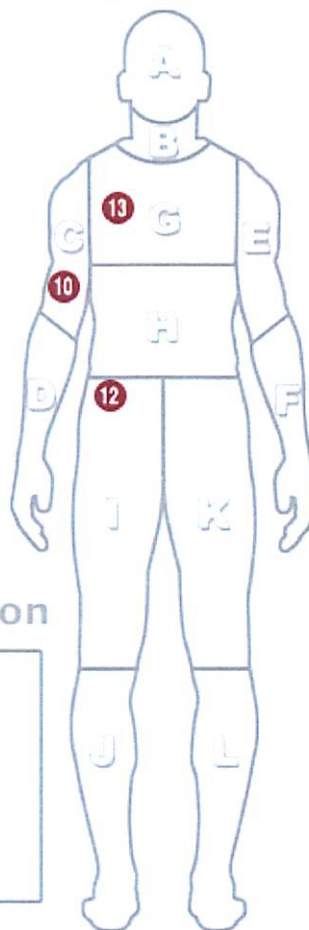
Injuries sustained by this citizen

Injury	Regions	Injury Locations
Bruise	10, 7, 8	1, 2, 3, 4
Cut / Laceration	1, 11, 12, 4, 5, 6, C, I	5, 6, 7, 8, 9, 10, 11, 12
Taser Puncture	G	13
Broken	4, 6	14, 15

FRONT



BACK



Condition



Charges against this Citizen

- Domestic Violence
- 148 / 69 PC
- Penal Code Violation

Involved Employees

Police Officer Jonathan Jarema - Police ID Number: 1357

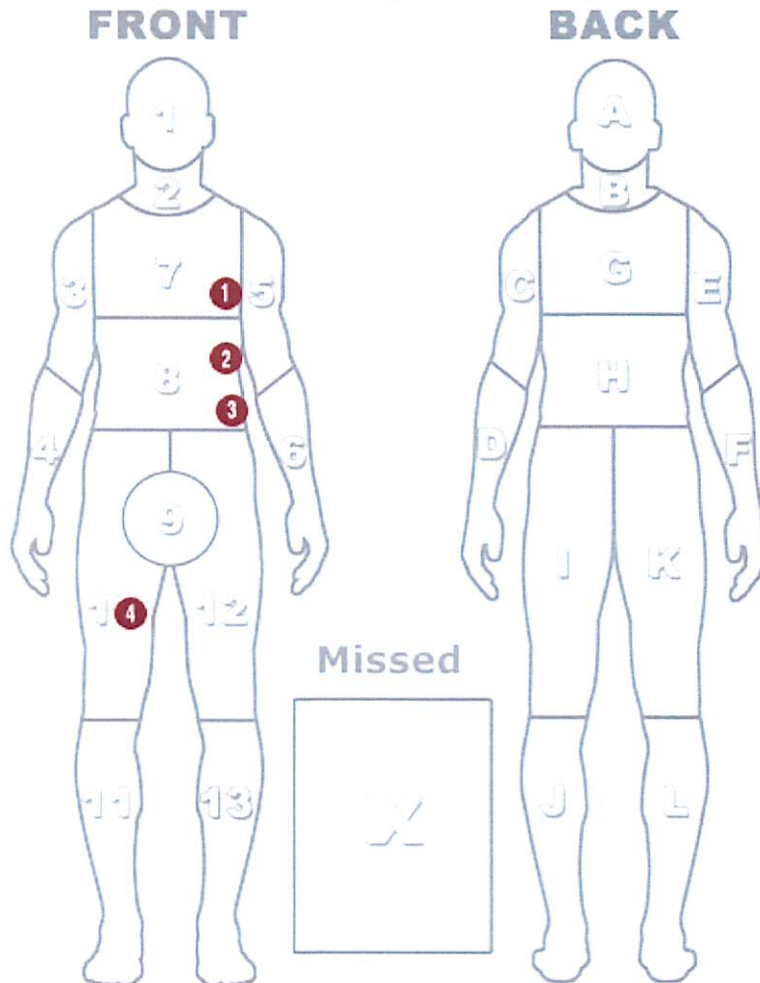
Role

-

Force used by this employee against the citizen

- Impact Munitions - Was force effective: No

Force Used	Effective?	Regions	Points of contact
Impact Munitions	No	10, 7, 8	1, 2, 3, 4



Injuries sustained by this officer

Injury	Regions	Injury Locations
No injuries noted or visible		

Sergeant Joshua Vincelet - Police ID Number: 1415

Role

•

Less Lethal Force used by this employee against the citizen

- EMDT (Taser) - Was Less Lethal Force Used Effective? Yes
Serial # - x130012xw
Cartridge # -

Was this a projectile/probe contact? Yes

of air cartridges used - 1

Number of cycles through probes - 2

Number of probe hits - 2

Total number of probes deployed - 2

Did the probe(s) penetrate subjects skin? Yes

Was an additional cartridge deployed? No

Was a follow up drive stun conducted? No

Duration of cycles - Extended

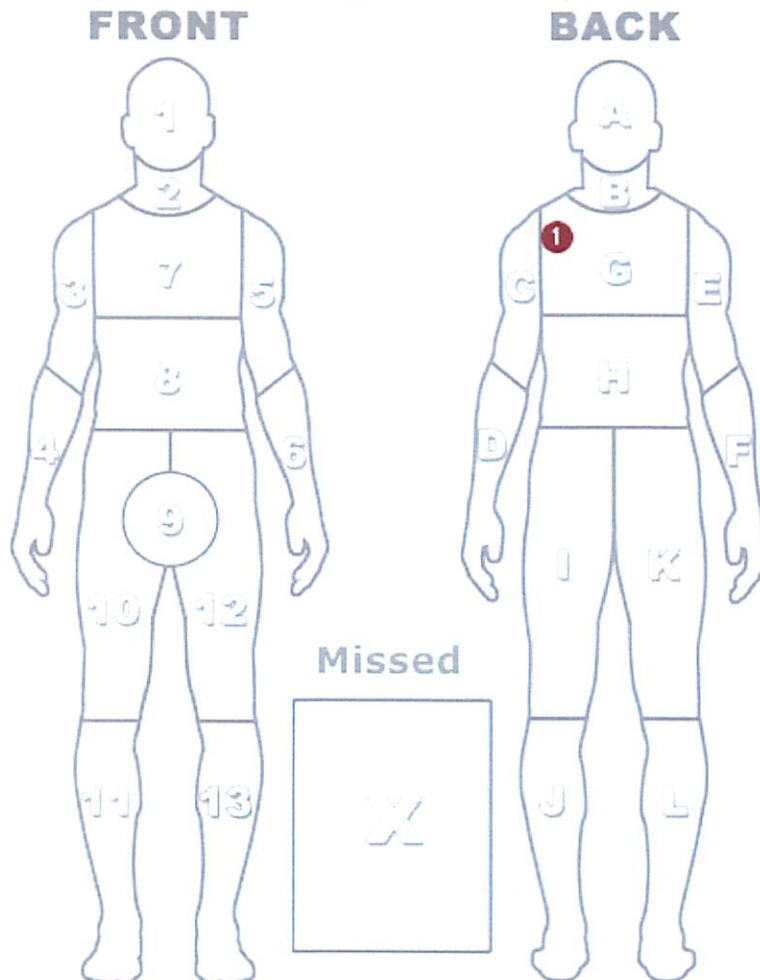
Was this an accidental (unauthorized) discharge? No

Statistical Information

Was this an Arc display? No

Was citizen painted with laser / red dot? No

Force Used	Effective?	Regions	Points of contact
EMDT (Taser)	Yes	G	1



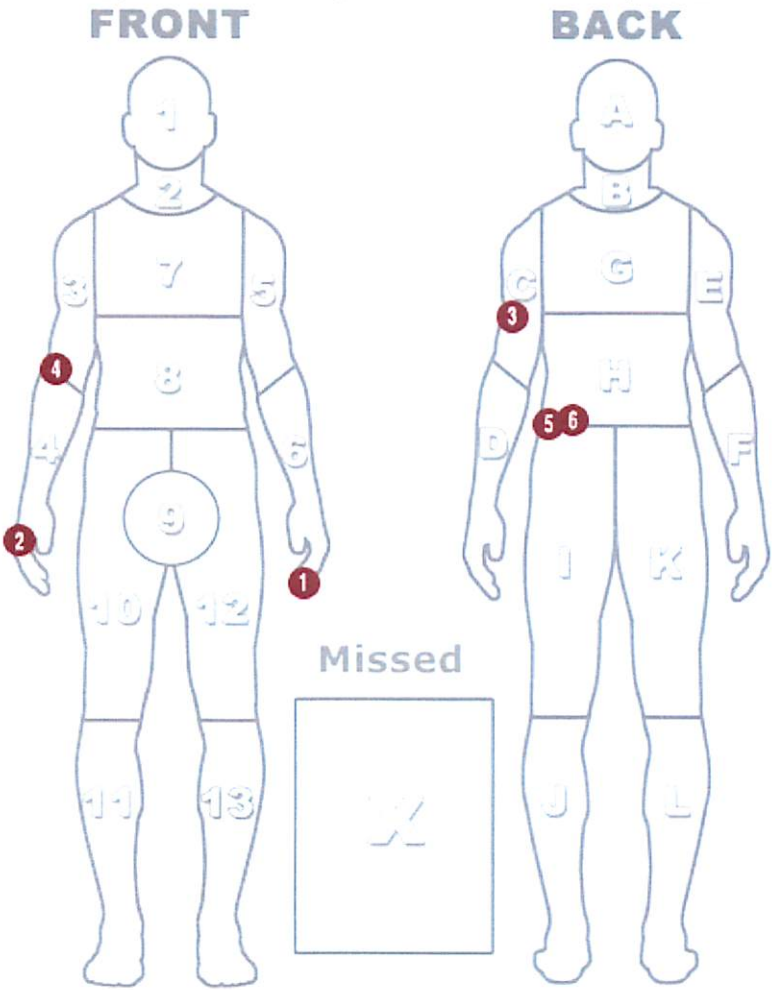
Police Officer Todd Wilson - Police ID Number: 1447

Role

Force used by this employee against the citizen

- K9 Apprehension - Was force effective: No

Force Used	Effective?	Regions	Points of contact
K9 Apprehension	No	3, 4, 6, C, H, I	1, 2, 3, 4, 5, 6



Employee Witnesses

Sergeant Joshua Comte - Police ID Number: 1300

Role

Police Officer Nathan Farris - Police ID Number: 1421

Role

Police Officer Mark Fasano - Police ID Number: 1456

Role

Police Officer Michael Fletcher - Police ID Number: 1297

Role

Detective Christopher Kimble - Police ID Number: 1299

Role

Detective Dennis Maisano - Police ID Number: 1324

Role

Police Officer Kyle Markwald - Police ID Number: 1406

Role

Detective Kelley Maslin - Police ID Number: 1410

Role

Police Officer Siavash Mesri - Police ID Number: 1391

Role

Detective Jeffrey Perkins - Police ID Number: 1319

Role

Detective Brian Schlottach - Police ID Number: 1318

Role

Attachments

Date Attached	Attachment Description	Attachment Type
11/8/2017	40mm injury photo	JPG
11/8/2017	40 mm injury photo 2	JPG
11/8/2017	laceration to forehead	JPG
11/8/2017	40mm injury to inner left leg	JPG
11/8/2017	laceration right knee	JPG
11/8/2017	laceration left knee	JPG
11/8/2017	laceration/ broken bone left pointer finger	JPG
11/8/2017	puncture/ laceration from k9 right hand	JPG
11/8/2017	laceration left arm from K9	JPG
11/8/2017	puncture wounds inner left elbow from K9	JPG

11/8/2017	laceration/ scratches from K9 lower left back	JPG
11/8/2017	taser puncture left upper back	JPG
11/8/2017	lacerations left hip from K9	JPG
11/8/2017	puncture wound right inner wrist/ hand from K9	JPG
11/8/2017	Report and Supplementals	pdf

Chain of Command History

Sent Dt	From	To	CC	Approved
11/14/2017	Sergeant Joshua Comte	Lieutenant Tom Fischbacher	Deputy Chief Dennis Birch, Deputy Chief Jeff Brouwer, Lieutenant Joe Cartwright, Lieutenant Rachel Johnson, Chief Jon Lewis, Sergeant Tracy Mckenzie, Lieutenant Damon Psaros, Lieutenant Randy Query, Lieutenant Steve Rasmussen, Deputy Chief Jay Short, Lieutenant Keith Krallman, Sergeant John Thulin	✓

Sender's Instructions: Use of Force from SWAT activation.

Recipient's Comments/Response: [Forwarded by Lieutenant Tom Fischbacher]

11/21/2017	Lieutenant Tom Fischbacher	Lieutenant Keith Krallman	(none)	✓
------------	----------------------------	---------------------------	--------	---

Sender's Instructions: For DTI

Recipient's Comments/Response: [Forward Directly to PSU by Lieutenant Keith Krallman]

Assigned Investigator Signature Line

[Incident pending assignment]

Chain of Command Signature Lines

Lieutenant Tom Fischbacher

Lieutenant Keith Krallman